REMARKS

Claims 1-6, 9-12, 15-17, 27-29, 32-38, 40-47, 50 and 52 are pending in the present application. Claims 9, 15-17, 27-29, 32-38, 40-47 and 52 are allowed. By virtue of this response, no claims have been cancelled, no claims have been amended, and new claim 53 has been added. Accordingly, claims 1-6, 9-12, 15-17, 27-29, 32-38, 40-47, 50 and 52-53 are under consideration. Amendment or cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

Amend and New Claims

Claim 53 is presently added. Support for new Claim 53 may be found in the as-filed specification. For example, see Figures 4D-4F. No new subject matter is added. Claim 53 recites "The modular system of claim 1, wherein one of the at least two sides is **perpendicular** to a different one of the at least two sides." Dong, Seki and Claxton each fail to disclose, teach or suggest perpendicular sides allowing substantially parallel positioning as recited in Claim 53.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-4, 10, 11 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dong (US 5,864,956) in view of Seki (US 6,430,823) and further in view of Claxton (US 5,394,616). This rejection is traversed.

Claim 1

The references cited by the Examiner, either separately or in combination, fail to disclose, suggest or teach each feature of Claim 1. For example, the cited references fail to disclose the features of "**a leveling platform providing a reference surface**" and "**magnetically detachable from the leveling platform**" as recited in Claim 1 (emphasis added). Claim 1 recites:

> A modular system comprising:

> **a leveling platform providing a reference surface**, wherein the reference surface is made substantially level; and
>
> one or more light emitting modules **magnetically detachable from the leveling platform**, wherein each of the modules has at least two sides that allow substantially parallel positioning on the reference surface and allow substantially parallel positioning against a side of another light emitting module;
>
> wherein each of the light emitting modules cooperates with the reference surface to provide oriented light.

Claim 1: "a leveling platform providing a reference surface"

First, the cited references fail to disclose "**a leveling platform providing a reference surface**" and providing detachability as recited in Claim 1 (emphasis added). Regarding the feature of "a leveling platform", the Examiner states "Dong does not disclose the leveling platform ... Dong does not disclose the self-leveling platform or manually leveling platform." Furthermore, neither Seki nor Claxton disclose such a leveling platform as recited in Claim 1. Both Seki and Claxton disclose a self-standing unit, neither providing nor suggesting a separate leveling platform.

With respect to Seki and a leveling platform, the Examiner states (emphasis added):

> With respect to the leveling platform of claims 1 - 4: **Seki** discloses a device comprising a leveling platform (4) providing a reference surface made substantially leveled, and one or more light emitting modules (9,28) detachable from the leveling platform and having at least two sides for parallel positioning on the reference surface and coupling electrical power to the light emitting modules. **Seki** discloses said leveling platform being manually leveled in order to achieve maximum horizontal and vertical leveling adjustment against the installation surface (See Column 5, lines 1 - 11). ...

For a disclosure of a "**leveling platform**" in Seki, the Examiner cites to unit "(4)", called a "positional adjusting unit 4" in Seki. The Examiner, however, fails to point out how unit (4) of Seki provides this "**reference surface**" as recited in Claim 1. Furthermore, the Applicant fails to see where Seki provides a "**detachable**" coupling with a module as recited by claim 1. On the contrary,

unit (4) of Seki is integral to its light emitting module. Specifically, Seki discloses "... the casing 2 is mounted onto the unit 4, thereby the casing 2 is **fixated** on the unit 4. According to the composition, the casing 2 is **integrated** into the unit 4 and supported" (Seki at column 7, lines 15-18)(emphasis added). Unit (4) is fixated and integrated into the device disclosed in Seki, thus it is not a "**leveling platform**" and is not "**detachable**" as recited by claim 1.

Claxton does not provide a leveling platform as recited in Claim 1. Claxton provides angular alignment. Thus, leveling of a light emitting module in Seki and Claxton does not occur by a leveling platform but rather by leveling the module itself is leveled.

The Examiner makes no reference with respect to Claxton and a leveling platform as recited in Claim 1. The purpose the Claxton embodiment (10) appears to be providing a spot beam with a single degree of freedom, namely "in a predetermined angular orientation" (Claxton at column 6, lines 24-25; see also the "pivot axis 81" and "apex 73" in Claxton's figures 1 and 2 and at column 5, lines 22-29 and 60-64). The Claxton embodiment (10) is therefore referenced to an axis an not to a "reference surface."

Claim 1: "magnetically detachable from the leveling platform"

Second, the cited references fail to disclose "**magnetically detachable from the leveling platform**" as recited in Claim 1. Neither Dong nor Seki disclose any magnetism and the magnets (59 and 61) of Claxton teach away from use with the Claxton's embodiment (10) with a leveling platform.

Regarding this feature of "**magnetically detachable**", the Examiner states "Dong does not disclose ... the modules being magnetically detachable as stated in claim 1." The Examiner makes no reference with respect to "magnetically detachable" and Seki. With respect to Claxton, the Examiner states (emphasis added):

> In regards to the magnetically detachable modules of claim 1 : **Claxton** discloses a laser positioning device being magnetically detachable by means of a magnetic material (63) being provided on one side in order to

> provide sufficient holding power to strongly attract and hold the device in place (See Column 4, lines 10 - 16). ...

The Claxton magnets are not for coupling to a leveling platform. The Claxton reference provides a set of magnets as a mounting means for mounting to a fixture such as a sheet of steal. Specifically, Claxton states at column 3, line 62 to column 4, line 6, and at column 6, lines 23-38:

> In device embodiment 10, the level 11 is mountable to a substrate by non-destructive (relative to the substrate), demountable (relative to the substrate), mounting means. Many different types of such mounting means can be used. While only a single such mounting means is needed for level 11, two are presently preferred. Examples of suitable such mounting means include clamps, rubber suction caps, and magnets. The latter is presently preferred particularly since, in many modern construction projects where positioning problems arise, flat, or substantially flat, ferromagnetic surfaces are involved which are oriented vertically, horizontally or even at 45 degrees.
>
> ...
>
> Thus, a laser beam from generating means 21 can be impinged against a remote target that is in a predetermined angular orientation relative to the level 11. The level 11, the protractor 72, and the pointer 77 cooperate with the generator 21 so that a laser beam from the generator 21 can be impinged against a remote target location with the device 10 being held in a predetermined orientation as mounted by the magnetic cup assemblies 59 and 61. One illustrative mode of device 10 usage is briefly illustrated in FIG. 5. Here, device 10 is mounted by magnetic cup assemblies 59 and 61 to a metallic surface, such as the surface of galvanized sheet steel in an air conveying duct 89.

Claxton discloses magnets for coupling to a fixed structure, not a leveling platform. Thus, Claxton does not disclose, teach or suggest disclose "**magnetically detachable from the leveling platform**" as recited in Claim 1.

Reconsideration and allowance of Claim 1 are respectfully requested. If the Examiner maintains this rejection, the Applicant respectfully requests that the Examiner points out where and in what reference a "**reference surface**" and a "**detachable**" coupling as recited in Claim 1 is disclosed in the references.

Not a limitation: "magnetic means on at least two sides"

The Examiner also states that "it would have been obvious ... [to] modify the light emitting modules disclosed by Dong by adding magnetic means on at least two sides of the housing as taught by Claxton in order to provide sufficient holding power to strongly attract and hold the device in place when stacked during the leveling process." The Applicant respectfully directs the Examiner's attention to Claim 1, which does not include a "magnetic means on at least two sides" as a limitation.

Claims 2 & 3

For at least the reasons stated above for the allowability of independent Claim 1, Claims 2 and 3 are also allowable. Withdrawal of these rejections and allowance of Claims 2 and 3 are respectfully requested.

Claim 4

The Examiner states that "Dong does not disclose the self-leveling platform or manually-leveling platform as stated in claims 2 - 4." It appears to the Applicant that the Examiner has mistakenly included Claim 4 in this rejection. Claim 4 recites neither a "self-leveling platform" nor a "manually-leveling platform." Rather, Claim 4 recites "The modular system of claim 1, wherein the leveling platform couples electrical power to the light emitting modules." The Examiner fails to address the features of this claim. For example, the feature wherein the "leveling platform couples electrical power" is not mentioned by the Examiner, and the Applicant is unable to determine where in Dong, Seki or Claxton this feature is disclosed, taught or suggested. Furthermore, Claim 4 is allowable for at least the reasons stated above for the allowability of independent Claim 1, from which Claim 4 depends. For these reasons, the Examiner is respectfully requested to withdraw this rejection and reconsider this claim for allowance.

Claims 10 & 11

With respect to claims 10 and 11, the Examiner makes a perfunctory statement that Dong, Seki and Claxton disclose or teach "a magnetic fastener on each of at least two of the sides including the first side." For support of these rejections, the Examiner fails cites any of the three references for support of this rejection. Independent Claims 10 and 11 each recite "a magnetic fastener on each of **at least two of the sides** including the first side"(emphasis added). The Applicant is unable to find a disclosure, teaching or suggestion of the feature of "a magnetic fastener on each of **at least two of the sides**" in any of the Dong, Seki or Claxton references.

In rejecting Claim 1 (and not in rejecting either of Claims 10 or 11), the Examiner makes the assertion without support that "it would have been obvious ... [to] modify the light emitting modules disclosed by Dong by adding magnetic means on at least two sides of the housing as taught by Claxton in order to provide sufficient holding power to strongly attract and hold the device in place when stacked during the leveling process." Claims 10 and 11 (and not Claim 1) recites "a magnetic fastener on each of at least two of the sides."

With regard to Claims 10 and 11, the Examiner provides no disclosure, teaching or suggestion of providing magnet coupling on "**at least two sides**" as recited in Claim 1. Claxton provides magnets (59 and 61) extending off in one plane. Claxton does not teach magnets extending from a second side as suggested by the Examiner. Claxton and Dong, either separately or combined, fail to provide magnet coupling on "**two sides.**" The Examiner states that Claxton teaches using magnets on two sides "in order to provide sufficient holding power to strongly attract and hold the device in place when stacked during the leveling process." First, Claxton does not teach stacking as stated by the Examiner. Second, Claxton does not teach using magnets on two sides as stated by the Examiner. Third, Dong does not suggest a need for using magnetic coupling when stacking modules.

Even assuming that Claxton and Dong could be combined as the Examiner suggests, there is no suggestion of including a magnetic fastener on a first side including an aperture that allows light to pass as recited in both Claims 10 and 11.

If the Examiner maintains these rejections, the Examiner is requested to specifically point out where in the references these features are disclosed, taught or suggested. Withdrawal of these rejections and allowance of Claims 10 and 11 are respectfully requested.

Claim 50

The Examiner makes another perfunctory statement that "Dong, Seki and Claxton disclose ... a magnetic fastener ... including at least one magnet mounted for rotation on the second of the sides" but the Examiner again fails cites any of the three references for support of this rejection. Independent Claim 50 recites, in part, a "magnetic fastener including **at least one magnet mounted for rotation** on the second of the sides" (emphasis added). The Applicant is unable to find a "magnet mounted for **rotation**" in any of Dong, Seki or Claxton. As stated by the Examiner, the magnets of Claxton "provide sufficient holding power to strongly attract and hold the device in place." If the Examiner maintains this rejection, the Examiner is requested to specifically point out where in the references this feature is disclosed, taught or suggested. Withdrawal of this rejection and allowance of Claim 50 are respectfully requested.

Allowable Subject Matter

The Examiner has allowed Claims 9, 15-17, 27-29, 32-38, 40-47 and 52. The Applicant appreciates the allowance of these claims.

The Examiner has objected to Claims 5, 6 and 12 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5 and 6 ultimately depend from independent Claim 1 and are allowable for at least the reasons stated above for the allowability of independent Claim 1. Similarly, Claim 12 depends from independent Claim 11 and is allowable for at least the

reasons stated above for the allowability of independent Claim 11. Withdrawal and reconsideration of this objection are respectfully requested.

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CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection and objection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, the Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 549242002200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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